NATIONAL JUVENILE JUSTICE NETWORK

Testimony Submitted to the Ohio Senate Education Committee
Hearing on HB 410
September 27, 2016

Members of the Ohio Senate Education Committee, on behalf of the National Juvenile Justice Network (NJJN), a national membership organization of 53 organizations in 43 states and the District of Columbia working to create a fairer and more equitable response to youth in trouble with the law, I am writing to testify in support of the Senate amendments to HB 410 on school discipline issues.

NJJN commends the Ohio House for taking action to ensure Ohio students are set up for success. As justice advocates, we know that the education of youth has been shown to effectively serve as crime prevention; as educational attainment increases, the likelihood of criminal justice involvement decreases.[1] While HB 410 takes critical steps to keep kids in schools by addressing truancy, we believe the Senate amendments strengthen the legislation by addressing one of the most significant barriers to youth education: discipline.

NJJN supports the proposed amendments that:

1. Allow students who are suspended or expelled to **make up and get credit for school work** they miss, which is currently prohibited under current law.
2. Give students a **fresh start at the beginning of the school year** by not allowing suspensions or expulsions given at the end of the prior school year to carry over into the current school year.
3. Move away from a "one-size-fits-all" zero tolerance discipline approach and toward a **tiered discipline policy** that appropriately responds to individual students' behaviors and needs.
4. **Eliminate the use of out- of-school suspensions and expulsions for youth in third grade or younger.**

Why Current Discipline Practices Backfire
To effectively address student disengagement and dropout, the bill must address school discipline issues alongside truancy. Like truancy, research shows that students who receive out-of-school suspensions or expulsions are more likely to drop out and become involved in the

[1] Sarah Lyons and Nastassia Walsh, "Money Well Spent: How Positive Social Investments Will Reduce Incarceration Rates, Improve Public Safety, and Promote the Well-Being of Communities," Justice Policy Institute (September 2010): 30, available http://bit.ly/2dcx9Eo and "Effective Investments in Public Safety: Education," Justice Policy Institute (2007), available athttp://bit.ly/2cU5AlI.

juvenile courts.[2] Of the 200,000 out-of-school suspensions or expulsions in Ohio each year, more than half of which are for disobedient and disruptive behavior. In short, far too many students are pushed out of their schools and into the juvenile and/or criminal justice systems for behaviors and incidents that would not have led to court involvement in the past.[3]

Students who are pushed out of schools—through suspensions, expulsions, arrests, and/or court referrals—suffer disruptions in their education that can escalate poor behavior, drive students to get involved in gangs or engage in dangerous behavior, and dramatically decrease their chances of successfully returning to school and leading productive lives.[4] Given the negative effects of school disengagement, NJJN believes the proposed Senate amendments are critical in addressing all the causes of student disengagement.

In fact, Ohio is positioned to model best practices proven to increase school engagement with the adoption of the Senate amendments. NJJN believes the following proposed Senate amendments draw on leading research to replicate promising reforms.

Promising Approaches Cut Expulsions and Improve Student Performance

First, NJJN supports moving away from a zero-tolerance approach to discipline and towards a tiered discipline policy. In a 10-year evaluation of discipline policies by The American Psychological Association (APA) Zero Tolerance Task Force, the APA found zero-tolerance policies ineffective, resulting in "less satisfactory ratings of school climate, less satisfactory school governance structures, and spent a disproportionate amount of time on disciplinary matters."[5] Learning from the failed results of zero tolerance policies, states from California to Georgia, including Ohio's neighbor, Indiana, have begun implementing tiered discipline approaches. Such promising approaches include Positive Behavior Interventions and Supports (PBIS) and restorative justice have led to decreased school expulsions and violent incidents, while producing higher-performing students.[6]

Limit Suspensions and Expulsions for Young Students

Along with implementing a tiered approach to discipline, NJJN supports eliminating the use of out-of-school suspensions and expulsions for youth in third grade or younger. As the United

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[2] Fabelo, T., Thompson, M., Plotkin, M., Carmichael, D., Marchbanks, M., & Booth, E. (2011, July).*Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement*. New York, NY: Council of State Governments Justice Center. Retrieved from http://csgjusticecenter.org/wp-content/uploads/2012/08/Breaking_Schools_Rules_Report_Final.pdf

[3] Russell Skiba, "Zero Tolerance, Zero Evidence: An Analysis of School Disciplinary Policies," Indiana Education Policy Center Issue SRS2 (August 2000): 5-6, available at **http://www.indiana.edu/~safeschl/ztze.pdf.**

[5] American Psychological Association Zero Tolerance Task Force, Are Zero Tolerance Policies Effective in the Schools?: An Evidentiary Review and Recommendations, American Psychologist, 63 at 854 (Dec. 2008), available at **http://www.apa.org/pubs/info/reports/zero-tolerance.pdf.)**

[6] Dignity in Schools. Fact Sheet: Creating Positive School Discipline. **http://www.dignityinschools.org/sites/default/files/Fact_Sheet_RestorativeJustice_PBIS.pdf**

States Department of Education and Department of Health and Human Services outlines in their policy guidance to schools, "a child's early years set the trajectory for the relationships and successes. As such, expulsion and suspension practices in early childhood settings, two stressful and negative experiences young children and their families may encounter in early childhood programs, should be prevented, severely limited, and eventually eliminated."[7] Noting devastating effects of suspensions and expulsions, California, Louisiana, and the District of Columbia have all worked to limit or eliminate suspensions and expulsions for youth third grade or younger.

Students Suspended or Expelled in Extraordinary Circumstances Need Support

A suspension or expulsion from school should only be used to maintain school safety, and never as a punishment. As such, youth suspensions and expulsions should be for the shortest term possible and not be held over to the following school year.[8] Such policies do nothing to address a discipline issue and serve only to further push students away from the classroom. Similarly, a youth should be allowed to make up any school work resulting from a suspension or expulsion. As proven by alternative discipline models, behavioral issues should be met with a response specific to the behavior, not a moratorium on youth learning. By allowing youth to complete missed work, youth stand a better chance of keeping up with their classes, reducing their likelihood of acting out or dropping out.

By including the above amendments, Ohio sets itself up to better student outcomes, by keeping more youth in school and out of the criminal justice system. Thank you for your consideration.

Sincerely,

Sarah Bryer
President and Executive Director, National Juvenile Justice Network

[7] U.S. Department of Health and Human Services and U.S. Department of Education. Policy Statement on Expulsion and Suspension Polices in Early Childhood Settings. https://www2.ed.gov/policy/gen/guid/school-discipline/policy-statement-ece-expulsions-suspensions.pdf

[8] National Juvenile Justice Network. Safe and Effective School Disciplinary Policies and Practices: a Policy Platform. http://www.njjn.org/our-work/juvenile-justice-reform-safe-and-effective-school-disciplinary-policies-and-practices